

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	17 Cr. 779 (LAP)
	:	
-against-	:	
	:	<u>ORDER</u>
	:	
CHI PING PATRICK HO,	:	
	:	
Defendant.	:	
	:	
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LORETTA A. PRESKA, Senior United States District Judge:

On October 5, 2018, Defendant Chi Ping Patrick Ho ("Ho") provided written notice to the Government and the Court, pursuant to Section 5 of the Classified Information Procedures Act ("CIPA"), 18 U.S.C. App. 3 § 5 (the "Notice"), regarding his intention to offer into evidence classified information in connection with this matter. The Notice was filed in camera and under seal with the classified information security officer or designee.

On October 30, 2018, the Court received the Government's response to the Notice, filed in camera and under seal with the classified information security officer or designee. In it, the Government requested that the Court hold an in camera hearing, pursuant to Section 6 of CIPA, 18 U.S.C. App. 3 § 6, to address the use, relevance, and admissibility of the classified

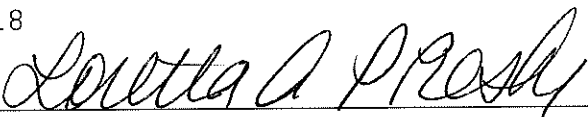
information that was the subject of the Notice. The Government also requested that the transcript of any such hearing be sealed and that Ho be excluded from the hearing. On November 5, 2018, the Court granted the Government's requests. See Order, dated Nov. 5, 2018 [dkt no. 159], 2-3.

On November 9, 2018, the Court received Ho's memorandum of law in support of the Notice, filed in camera and under seal with the classified information security officer or designee.

On November 14, 2018, the Court held an in camera CIPA Section 6 hearing with the Government and defense counsel. For the reasons stated on the sealed record in the minutes of that proceeding, the Court finds that the classified information Ho seeks to disclose to the jury is inadmissible. Accordingly, Ho's request to disclose any such information is denied.

SO ORDERED.

Dated: New York, New York
November 20, 2018


LORETTA A. PRESKA
Senior United States District Judge